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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hiroaki MOCHIZUKI

Group Art Unit: 2871

Application No.: 10/765,056

Examiner: H. NGO

Filed: January 28, 2004

Docket No.: 118328

For: ELECTRO-OPTICAL DEVICE AND ELECTRONIC APPARATUS

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the June 15, 2005 Election of Species Requirement, Applicant provisionally elects C, Figures 6, with traverse. All claims 1-11 read on Fig. 6.


The Election of Species Requirement is improper. Figs. 1-6 of the present application all show different views of a single embodiment. In this regard, all claims 1-11 are generic.

It is also respectfully submitted that the subject matter of all species, if there are more than one species at all, is sufficiently related that a thorough search for the subject matter of any one species would encompass a search for the subject matter of the remaining species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should

apply in the present application in order to avoid unnecessary delay and expense to Applicant and duplicative examination by the Patent Office.

Thus, withdrawal of the Election of Species Requirement is respectfully requested.

Respectfully submitted,



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Date: July 11, 2005

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